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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,006	10/01/2003	Giovanni Coglitore	443452000103	9230
25226	7590	06/18/2004	EXAMINER	
MORRISON & FOERSTER LLP			LEA EDMONDS, LISA S	
755 PAGE MILL RD			ART UNIT	
PALO ALTO, CA 94304-1018			PAPER NUMBER	

2835

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

10/678,006

Applicant(s)

COGLITORE ET AL.

Examin r

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/17/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 11/17/03; has been considered by the examiner.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 4 and 5 recites the limitation "the at least one rack" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 8-14, 16-22, 24-31, 32-34, 38-43, and 46-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matouk et al. (4691274) in view of Dubin (5971506). With respect to claims 1-6, 8-14, 16-22, 24-31, 32-34, 38-43, and 46-51, Matouk et al. teaches at least two modules (41, 42, 43) comprising at least one heat-

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generating component, each module (41, 42, 43) adapted to permit air to flow in the module such that airflow goes through, over, or adjacent to the at least one heat-generating component to cool the at least one heat-generating component; and a rack (12) configured for the at least two modules (41, 42, 43) to be placed in a back-to-back configuration such that the rack and components will cooperate to direct air that flows through the modules (41, 42, 43) to (1) up to exit the rack through an upper section of the rack, (2) down to exit the rack through a lower section of the rack, or (3) both, wherein the modules and the rack cooperate to define a space between at least two back-to-back modules (see for example figures 1, 3, 4). However, Matouk et al. lacks a clear teaching of the modules being computers as claimed. Dubin is relied upon for its teaching of a rack mounting computer (100) comprising at least one heat-generating component, and being adapted to permit air to flow in the computer such that airflow goes through, over, or adjacent to the at least one heat-generating component to cool the at least one heat-generating component, wherein the computer further comprises a chassis (10) comprising a front panel (60), wherein each computer further comprises a chassis comprising enclosing at least one main board, wherein the computer is configured with at least one vent (64) provided at a front section as claimed (see for example figures 3-6). It would have been obvious to one skilled in the art at the time the invention was made to incorporate the computer of Dubin into the rack of Matouk et al. to convert the computer into a rack mounted system. With respect to claims 9 and 25, and the claimed limitation of the air exiting through the computers, as implied by applicant (see page 21 ¶0072) regardless of which flow direction is chosen ...

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advantageous flow across heat-generating components which must be cooled is possible, therefore it would have been obvious to one skill in the art to for both Matouk et al. and Dubin to "choose" any flow direction as claimed.

6. Claims 7, 15, 23, 31, 35, 36, 44, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matouk et al. (4691274) in view of Dubin (5971506) as applied to the claims above, and further in view of Wrycraft (6011689). With respect to claims 7, 15, 23, and 31, Matouk et al. (4691274) in view of Dubin (5971506) teach the invention as set forth above. However, Matouk et al. (4691274) in view of Dubin (5971506), lacks a clear teaching of the at least one vent (64) being provided at a back section and providing fans as claimed. Wrycraft is relied upon for its teaching of the at least one vent (64) being provided at a back section and providing fans as claimed (see for example figures 1-9). It would have been obvious to one skill in the art at the time the invention was made to incorporate the teachings of Wrycraft into the apparatus of Matouk et al. (4691274) in view of Dubin (5971506) to aid in cooling of the heat-generating components.

### ***Conclusion***


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the computers, racks, and/or cool structures of Schlemmer (5450285), Schmitt (6259605), Varghese et al. (5896273), Takahashi et al. (4447856), Ohmori (5136464), Rosecan et al. (5808871), Scafidi et al. (6000464), Cutts et al. (5412534), Otis et al. (5497288), Schaeffer (3184645), and Casanova et al. (5031075).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 571-272-2043. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lisa Lea-Edmonds  
Primary Examiner  
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